

JUDGE PRESKA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA : SEALED INDICTMENT

- v. - : S1 04 Cr. 962

FREDDY ENRIQUE RENDON-HERRERA, :
 a/k/a "El Aleman," :
 a/k/a "Aleman," :
 a/k/a "Berrio," :
 JHON JAIRO RENDON-HERRERA, :
 a/k/a "Yesid," :
 a/k/a "JJ," :
 DIEGO RIVAS-ANGEL, :
 a/k/a "El Doctor," :
 DAIRO ANTONIO USUGA-DAVID, and :
 a/k/a "Mao," :
 a/k/a "Gallo," :
 a/k/a "Mauricio-Gallo," :
 JUAN DE DIOS USUGA-DAVID, :
 a/k/a "Giovanni," :

Defendants. :

USDC SDNY
 DOCUMENT
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 DATE FILED: APR 14 2009

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COUNT ONE

(Narcotics Importation Conspiracy)

The Grand Jury charges:

1. From at least in or about 1998 up to and including the present, in the Southern District of New York and elsewhere, FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," DIEGO RIVAS-ANGEL, a/k/a "El Doctor," DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo," and JUAN DE DIOS USUGA-DAVID, a/k/a "Giovanni," the defendants, and others known and unknown, unlawfully, intentionally and knowingly

did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," DIEGO RIVAS-ANGEL, a/k/a "El Doctor," DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo," and JUAN DE DIOS USUGA-DAVID, a/k/a "Giovanni," the defendants, and others known and unknown, would and did import into the United States from a place outside thereof five kilograms and more of a mixture and substance containing a detectable amount of cocaine, in violation of Sections 812, 952(a), and 960(b)(1)(B) of Title 21, United States Code.

3. It was further a part and an object of the conspiracy that FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," DIEGO RIVAS-ANGEL, a/k/a "El Doctor," DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo," and JUAN DE DIOS USUGA-DAVID, a/k/a "Giovanni," the defendants, and others known and unknown, would and did distribute a controlled substance, to wit, five kilograms and more of a mixture and substance containing a detectable amount of cocaine, intending and knowing that such substance would be imported into the United States from a place outside thereof and

into waters within a distances of 12 miles of the coast of the United States, in violation of Sections 959, 960(a) and 960(b)(1)(B) of Title 21, United States Code.

Overt Acts

4. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about June 2002, in Colombia, JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," and FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," the defendants, and co-conspirators not named as defendants herein, met and discussed cocaine-trafficking routes in the vicinities of Sinelejo, Colombia, and Barranquilla, Colombia.

b. In or about the end of 2002, in the vicinity of Necoli Airport in Colombia, FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," the defendant, took custody of approximately 500 kilograms of cocaine stored in an aircraft.

c. In or about March 2008, a co-conspirator not named as a defendant herein made videotaped statements regarding his membership in the Autodefensas Unidas de Colombia ("AUC") -- a Colombian right-wing paramilitary group designated by the United States Department of State as a foreign terrorist

organization -- and about the kidnapping of approximately 25 persons by him and his associates.

e. In or about April 2008, in Colombia, DIEGO RIVAS-ANGEL, a/k/a "El Doctor," the defendant, talked on the telephone with a co-conspirator not named as a defendant herein about the trafficking of narcotics.

f. In or about December 2008, in Colombia, DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo, the defendant, talked on the telephone with a co-conspirator not named as a defendant herein about the trafficking of narcotics.

(Title 21, United States Code, Section 963.)

COUNT TWO

(Narcotics Importation)

5. From at least in or about 1998 up to and including the present, in the Southern District of New York and elsewhere, FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," DIEGO RIVAS-ANGEL, a/k/a "El Doctor," DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo," and JUAN DE DIOS USUGA-DAVID, a/k/a "Giovanni," the defendants, distribute a controlled substance, to wit, five kilograms and more of a mixture and substance containing a detectable amount of cocaine, intending and knowing that such substance would be imported into the United States from a place outside thereof and into waters within a distances of 12 miles of the coast of the United States.

(Title 21, United States Code, Sections 959, 960(a) and 960(b)(1)(B), and 812, and Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

6. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, FREDDY ENRIQUE RENDON-HERRERA, a/k/a "El Aleman," a/k/a "Aleman," a/k/a "Berrio," JHON JAIRO RENDON-HERRERA, a/k/a "Yesid," a/k/a "JJ," DIEGO RIVAS-ANGEL, a/k/a "El Doctor," DAIRO ANTONIO USUGA-DAVID, a/k/a "Mao," a/k/a "Gallo," a/k/a "Mauricio-Gallo," and JUAN DE DIOS USUGA-DAVID, a/k/a "Giovanni," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 970, any and all property constituting and derived from any proceeds that the defendants obtained directly and indirectly as a result of the said violations and any and all property used and intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment, including but not limited to, a sum of money representing the amount of proceeds obtained as a result of the offense described in Counts One and Two of this Indictment.

Substitute Assets Provision

7. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 970, to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 21, United States Code, Sections 963 and 970.)


FOREPERSON


LEV L. DASSIN
Acting United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

FREDDY ENRIQUE RENDON-HERRERA,
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DIEGO RIVAS-ANGEL,
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JUAN DE DIOS USUGA-DAVID,
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Defendants.

SEALED INDICTMENT

S1 04 Cr. 962

(Title 21, United States Code, Sections
812, 959, 960(a), 960(b)(1)(B), 963, 970,
and 812, and Title 18, United States
Code, Section 2.)

LEV L. DASSIN

Acting United States Attorney.

A TRUE BILL



Foreperson.

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5/11/09
Superseding Sealed Indictment
5 Alm 18865 Filed.
FOX, M.J.